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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,876

04/16/2004

Edward J. McGunn

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05/17/2007

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER

500 W. MADISON STREET

SUITE 3800

CHICAGO, IL 60661

EXAMINER

LEE, BENJAMIN C

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,876

Applicant(s)

MCGUNN ET AL.

Examiner

Benjamin C. Lee

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/28/07.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/28/07 has been entered.

Claim Status

2. Claims 44-62 are pending.

Claim Rejections - 35 USC § 103

3. Claims 44-45, 48-49, 51, 53-54, 57-60 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker (US pat. #5,742,034).

1) Regarding claims 44-45:

a) Meeker discloses the claimed safe (10 of Fig. 1) comprising: a housing (Fig. 1); a door (12) moveably mounted to the housing; an electronic lock including a lock control circuit for selectively opening or locking the door (40 according to col. 3, line 10-25); and a control unit ("CPU") operatively associated with the electronic lock for monitoring activities (including transactions performed with the electronic lock of claim 45) performed with the safe, (col. 3, line 54 to col. 4, line 22, 35-39 and 47-52), the control unit comprising a communication interface for communication on an external network, the control unit automatically transmitting information

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associated with the monitored activities to a user via the external network (information communication through communication port 154 according to col. 4, lines 45-53); except:

- b) specifying whether the control unit is a programmable control unit as claimed;
- c) that the control unit automatically transmitting said information responsive to select changes in status of the monitored activities.

However, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that the control unit in Meeker can be implemented using either a fixed-configuration or programmable type control unit to perform its intended function/operation in the system, and wherein a programmable control unit can be specifically chosen as a general purpose control unit to be programmed for its intended function/operation at a later stage or reconfigured when changes are needed. Furthermore, since the control unit transmits information associated with the monitored activities to a user via the external network by way of providing information for convenient status and generating of reports without user intervention in Meeker, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that such transmission is automatic, and that transmitting responsive to select changes in status of the monitored activities prevents unnecessary transmission of previously transmitted status and frivolous information in the status reports.

2) Regarding claim 48, Meeker renders obvious all of the claimed subject matter as in claim 44, including the claimed: wherein the control unit monitors transactions with the electronic lock over a period of time and records information related to said transactions that identifies the type of transaction performed through the electronic lock, and the recorded information is transmitted over the communication interface (col. 3, line 60 to col. 4, line 53.)

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3) Regarding claim 49, Meeker renders obvious all of the claimed subject matter as in claim 48, including the claimed: wherein the control unit stores an audit trail of monitored transactions including security information associated with each monitored transaction (col. 4, lines 44-53.)

4) Regarding claim 50, Meeker renders obvious all of the claimed subject matter as in claim 44, including the claimed: wherein the control unit comprises a programmed computer using a graphical user interface based operating system (20, 22, 24 of Fig. 1 and col. 2, lines 21-53 which includes disclosure of a CPU and software.)

4) Regarding claim 51, Meeker met all of the claimed subject matter as in claim 44, except: specifying the claimed modem.

However, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include a modem in the remote communication system using communication port 154 in Meeker so that information communication can be implemented in the form of modulated/demodulated data for secure and reliable communication of such information.

5) Regarding claims 53 and 57-58, Meeker renders obvious all of the claimed subject matter as in the consideration of claims 44, 48 and 49, respectively.

6) Regarding claim 54, Meeker renders obvious all of the claimed subject matter as in claim 53, plus the consideration of claim 45.

7) Regarding claim 59, Meeker renders obvious all of the claimed subject matter as in claim 53, plus the consideration of claim 50.

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8) Regarding claim 60, Meeker met all of the claimed subject matter as in claim 53, plus the consideration of claim 51.

9) Regarding claim 62, Meeker renders obvious all of the claimed subject matter as in claim 53, including:

--the claimed wherein the control unit selectively marks the recorded security information in response to the occurrence of at least one specific transaction ("date", "time", "nature", "tampering", "transaction numbers" selective indications/marks according to col. 4, lines 41-43 and col. 3, line 65 to col. 4, line 3.)

4. Claims 46 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker in view of Wagner (US pat. #3,878,511).

1) Regarding claim 46, Meeker renders all of the claimed subject matter as in claim 44, except: the claimed wherein the electronic lock comprises a duress sensor and the control unit transmits indication of a duress condition determined by the duress sensor.

Meeker's safe includes monitoring and reporting by transmission of a security condition in the form of tampering (col. 4, lines 1 and 15-16), while Wagner teaches a lockable safe which includes a duress sensor allowing an authorized person to summon help by transmission of the duress condition in case of emergency such as under the threat of a person intent on gaining unlawful access to the safe (col. 9, lines 35-51 and col. 11, lines 8-24). In view of the teachings by Meeker and Wagner, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include a duress sensor and indication transmission feature as taught by Wagner in a safe monitoring and reporting system of Meeker so that a duress condition can be

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monitored and reported to enhance the security and safety of the safe as well as the authorized personnel.

2) Regarding claim 55, Meeker met all of the claimed subject matter as in claim 53, plus the consideration of claim 46 in view of Wagner.

5. Claims 47 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker in view of Bentley (US pat. #6,529,723)

1) Regarding claim 47, Meeker renders all of the claimed subject matter as in claim 44, except: the claimed wherein the control unit transmits information associated with the monitored activities to a user via the external network with an email notification.

While Meeker did not specify the type of notification format with the reporting/transmission of information associated with the monitored activities, Bentley teaches the known use of email as a way of notifying a user of the monitored activities including door lock activities (col. 3, line 53; col. 4, lines 48-53; col. 5, line 47.) In view of the teachings by Meeker and Bentley, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement an email notification as taught by Bentley in a system such as taught by Meeker as a convenient way of user notification based on user's preference.

2) Regarding claim 56, Meeker renders obvious all of the claimed subject matter as in claim 53, plus the consideration of claim 47 in view of Bentley.

6. Claims 52 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker in view of Nishijima (US pat. #5,915,069)

1) Regarding claim 52, Meeker renders obvious all of the claimed subject matter as in claim 44, except: the claimed further comprising a video capture device operatively associated

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with the control unit for monitoring an external area proximate the safe, wherein the monitored activities comprise video information recorded by the control unit.

In the same art of monitoring a safe, Nishijima teaches a video capture and recording system on a safe that is integrated with the safe's transaction activity sensors such as door sensors and motion sensors for remote monitoring (Figs. 1 and 6; col. 3, lines 1-61.)

In view of the teachings by Meeker and Nishijima, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include video monitoring as taught by Nishijima in the safe monitoring system of Meeker so that video monitoring as well as video evidence can be included for detail analysis and evidence proof purposes.

2) Regarding claim 61, Meeker renders obvious all of the claimed subject matter as in claim 53, plus the consideration of claim 52 in view of Nishijima.

Response to Arguments

7. Applicant's arguments filed 2/28/07 have been fully considered but they are not persuasive.

1) The amended portions of "programmable control unit" and "automatically transmitting... responsive to select changes in status of the monitored activities" have been addressed in the above new rejection.

2) The argued feature of "transmission to the external network" has been thoroughly addressed in the rejection as well as in the Office response in the previous Office action.

3) In conclusion, applicant's arguments are not deemed persuasive, and the above rejection is maintained.

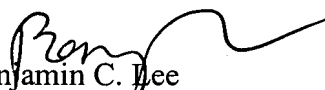
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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963. The examiner can normally be reached on Mon -Thu 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Benjamin C. Lee
Primary Examiner
Art Unit 2612

B.L.